

RESPONSE TO RESTRICTION REQUIREMENT
U.S. Appln. No. 10/536,504 (Q88025)

REMARKS

On page 2 of the Office Action, the Examiner issues a Restriction Requirement under 35 U.S.C. § 121 to one of the inventions of the following groups:

Group I - Claims 1-32, 37-67 and 72, drawn to an aminoglycoside prodrug; and

Group II - Claims 73-100 and 105, drawn to an prodrug selected from a nucleoside, rhinovirus capsid-binding compound, antisense oligonucleotide, peptide, an inhibitor of HIVRT, an inhibitor of influenza neuraminidase, amphotericin β , an azole and an aspartic proteinase.

Specifically, the Examiner contends that restriction is proper because the inventions of Groups I-II do not relate to a single inventive concept, i.e., they lack the same or similar technical feature.

Accordingly, Applicants hereby elect the invention of Group I, i.e., Claims 1-32, 37-67 and 72 without traverse.

Non-elected Claims 73-100 and 105 are hereby cancelled without prejudice to the filing of a Divisional Application thereon.

In addition, on page 2 of the Office Action, the Examiner issues an Election of Species Requirement, as to species:

- a. structural formula (I);
- b. structural formula (II);
- c. structural formula (III); and

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a further election as to species:

- i. aminoglycoside;
- ii. a nucleoside;
- iii. rhinovirus capsid-binding compound;
- iv. antisense oligonucleotide;
- v. peptide;
- vi. inhibitor of HIVRT;
- vii. inhibitor of influenza neuraminidase;
- viii. amphotericin- β ;
- ix. azole; and
- x. aspartic proteinase.

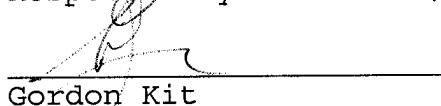
Accordingly, Applicants hereby elect the species a--structural formula (I) and species i.-aminoglycoside with traverse, as there is no undue burden in searching the additional species.

Claims 1-32, 37-67 and 72 read on the elected species.

In any event, as noted by the Examiner, upon allowance of the elected species, Applicants will be entitled to consideration of additional species.

The Examiner is invited to contact the undersigned at the below listed number on any questions which might arise.

Respectfully submitted,


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